

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

SONNIE WELLINGTON HEREFORD,)
IV, *et al.*,)
)
PLAINTIFFS,)
)
and)
)
UNITED STATES OF AMERICA,)
)
PLAINTIFF-INTERVENOR,)
)
v.)
)
HUNTSVILLE BOARD OF EDUCATION,)
et al.,)
)
DEFENDANTS.)

Case No.: 5:63-cv-00109-MHH

**AMENDMENTS TO SECTION IX OF THE
CONSENT ORDER**

The following provisions revise and amend the provisions of Section IX of the Consent Order. (Doc. 450). Unless otherwise stated, the following provisions will take effect immediately upon entry of this Order.

Additions to Existing Section IX Provisions

Unless expressly stated otherwise, each of the following provisions should be read in addition to, and not instead of, the original provisions of Section IX.

Q. Enhancing Communications With The Huntsville Community

1. The DAC will, with the assistance of the Parties, create its own website. This website will have a unique URL and will be accessible through a link on the District's homepage. The DAC, working through a subcommittee, will be responsible for: establishing an independent web presence; developing the content to be posted on the website; and providing information about the DAC, the Consent Order, and the District's implementation efforts on the website to the extent reasonably possible. The website also will contain the summary of the Consent Order provisions and the DAC mission statement described in IX.Q.2 and IX.Q.3 below. The District will assist the DAC in establishing and maintaining the website, but the DAC will make all decisions, subject to this Order and the Court's oversight, about the content of the website.

2. The DAC will develop a written description of each section of the Consent Order. These descriptions will be written for the layperson. If the DAC needs assistance in the development of the descriptions, the DAC may request help from the Parties. The DAC will submit final versions of these descriptions to the Court for approval. Following approval, the DAC will post these descriptions on its website. The descriptions will contain links to pertinent resources, where possible.

3. The DAC will develop a written mission statement consistent with Section IX of the Consent Order. The mission statement will describe the purpose, responsibilities, and limitations of the DAC. The DAC will submit its mission statement to the Court for approval. Following approval, the DAC will post its mission statement on its website.

4. In addition to the opportunities described in IX.L, as amended, the DAC will create multiple methods of receiving feedback from stakeholders, including a dedicated DAC e-mail address, a physical mailing address, and a locked drop box at each school. The District will work with the DAC to ensure that only the DAC has access to and operates these methods of receiving feedback. The District will not have direct access to the feedback. The DAC will communicate feedback to the District and to stakeholders as appropriate. As part of its operating procedures, the DAC will establish a process and timetable for responding to these comments.

R. Operating Procedures

The following must be a part of the operating procedures defined in IX.H.

1. The DAC's operating procedures will require that members of the DAC recognize and respect the need for confidentiality with respect to the DAC's private meetings. The DAC's public communication about its private conversations will consist of its published minutes and discussions in meetings established under the terms of the Consent Order. The DAC may allow non-DAC members to participate in its private meetings to provide support or information that the DAC deems necessary; however, the non-DAC member's presence will be limited to the time needed to perform the requested task, and non-DAC members who attend DAC meetings will be subject to the confidentiality requirements that govern DAC members.

2. The DAC's operating procedures will adopt a procedure by which a member can be replaced if that member is unable to meet the time commitments of DAC membership or if other reasons make ongoing participation on the DAC difficult. When a DAC member needs to be replaced, the DAC will formally notify the Court and the Parties. The Court will select a replacement using the applicant ranking list provided by the Parties.

3. The DAC's operating procedures will include the creation of subcommittees. The subcommittees will be designed to help the DAC contemporaneously monitor all aspects of the Consent Order.

4. The DAC's minutes will be thorough and informative, so that the public can be aware of the DAC's work. The minutes will contain, at a minimum, the following: a description of the topics discussed at the meeting; a list of names of the individuals who attended the meeting; and the conclusions, if any, that the DAC reached.

Revisions to Existing Section IX Provisions

The following original provisions of the Consent Order are revised as follows:

I. Section IX.B.6 (Doc. 450, p. 86) will be replaced with the following:

“6. one high school student from each of the District's high schools.”¹

II. Section IX.E (Doc. 450, pp. 86-7) will be stricken from the Consent Order, and IX.G of the Consent Order, (Doc. 450, p. 87) will be replaced with the following:

G. Selection of DAC Members

1. Beginning with the DAC selection process for the 2017-18 school year, the Parties will solicit applications from interested parents and students by May 15 of each year using an application that screens for possible financial or professional conflicts with the District. The District will ensure that the United States receives all DAC applications the District

¹ Upon entry of the Order approving the amendments to Section IX of the Consent Order, the Court, with the assistance of the Parties, will select additional high school students to serve on the 2016-17 DAC in accordance with the new selection process described in IX.G. In subsequent years, DAC student applicants will participate in the DAC selection process during the same timeframe as parent applicants.

receives. The Parties will independently review and rank the applicants. The Parties will then meet and confer to jointly rank the applicants and provide a brief statement of why the Parties believe certain applicants should be selected. In rank ordering the applicants, the Parties will take into account the demographics of the District, the relevant qualifications, the rationale for selections, and potential conflicts of interest. If the Parties do not agree on the rankings of the applicants, then the Parties will note their differences on the ranking list. The ranking list will include more applicants than vacancies.

2. By June 15 of each year, the Parties will submit the DAC applicant ranking list to the Court under seal. The Court will review the ranking list, including the nature of any potential conflict, and make the final selection of DAC members. The Court will issue an order of appointment, which will be filed in the record and will include the Court's final selection of DAC members. Any name on the ranking list not selected by the Court will be added to a reserve list that the Court may use to appoint a replacement for any DAC member who cannot complete his or her term.

3. The members of the 2016-17 DAC will be grandfathered in unless the Parties believe a member has an actual conflict of interest (e.g., a significant professional or financial entanglement with the District). If the Parties identify any such member, that matter will be taken up *in camera* with the Court.

III. Section IX.L of the Consent Order, (Doc. 450, p. 88) will be replaced with the following:

L. Public Meetings

1. A quorum of the DAC will meet, at a minimum, twice annually in meetings that will be open to the public. The DAC's first of these system-wide, public meetings will occur no later than the end of October.² Additionally, a quorum of the DAC or, if the DAC chooses, a subcommittee of the DAC, will hold a public meeting for each of Huntsville's five districts. The two system-wide public meetings will be held at a District facility. The five district meetings can be held either at a District facility or another location in the community; however, the District will not be responsible for coordinating logistics at non-District facilities for the DAC's meetings. At these public meetings, attendees will be allowed to raise questions and concerns and to provide feedback on reports issued by the DAC. Additionally, at the five district meetings, the DAC can present the written descriptions and mission statements outlined in IX.Q.2 and IX.Q.3.

2. At least two weeks before each public meeting, the District will disseminate broadly notices concerning the meeting through multiple sources, including robocalls, e-mail, hard copy fliers sent home with students, and the District's website. The District will provide copies of the notice of public meetings to the media, including radio stations, newspapers, and television stations. Additionally, if the District is currently working with a public relations firm, the District will ask the firm for guidance about how to secure broad notice of the meetings.

IV. Section IX.M of the Consent Order, (Doc. 450, p. 89) will be replaced with the following:

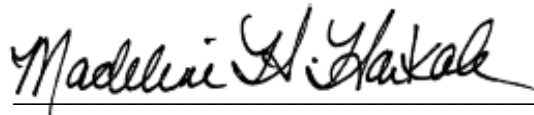
² For the 2016-17 school year, the DAC's first public meeting will occur no later than December 16, 2016.

M. Meetings with the Superintendent and Board of Education

1. The DAC will meet privately with the Superintendent at the end of each semester. During the meeting with the Superintendent at the end of each spring semester, the DAC will discuss the DAC's review and recommendations for the annual report.

2. A DAC member, either the chair or another individual selected by the DAC, will brief the Board of Education on the DAC's actions and its assessments at a meeting of the Board of Education at least twice per school year. During these meetings, the member of the DAC should comment on the DAC's recent activities and identify issues related to the implementation of the Consent Order.

DONE and **ORDERED** this November 16, 2016.


MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE